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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/942,913      | 08/31/2001  | Fred E. Barnes       | 005950-556          | 8128             |

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EXAMINER

TOOMER, CEPHIA D

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

1714

5

DATE MAILED: 04/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

MF-5

# Office Action Summary

|                 |                |  |  |
|-----------------|----------------|--|--|
| Application No. | Applicant(s)   |  |  |
| Examiner        | Group Art Unit |  |  |

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- ☐ Responsive to communication(s) filed on \_\_\_\_\_
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-20 is/are pending in the application.
- ☐ Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-20 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement

## Application Papers

- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some\* ☐ None of the:
  - ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4
- ☐ Interv w Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

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## DETAILED ACTION

### *Specification*

The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: there is no antecedent support in the specification for the limitations recited in claims 2, 3, 7, 8, 11, 17 and 18. These limitations should be inserted in an appropriate place in the specification

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1, 6, and 16, the term "high" is a relative term that does not have a comparative value.

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Claim 16 is not understood. If toluene is optionally, why does the claim recite that the composition contains from about 5 to about 18 vol% of toluene? Clarification and/or correction are required.

*Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 9822556.

WO teaches an unleaded aviation fuel composition having a MON of at least 98 wherein the fuel comprises triptane and/or 2, 3, 3 trimethylpentane. See page 2, lines 13-29 (light alkylate). The fuel composition also contains a component (b) which is at least one saturated aliphatic liquid hydrocarbon containing 4 to 10 carbon atoms. Examples of component (b) include iso-pentane, iso-octane and a mixture of these two components. WO teaches that the ratio of triptane and/or 2,2,3-trimethylpentane to iso-pentane to iso-octane is 10-80: 5-25: 10: 80. WO also teaches that the composition may comprise up to 30 vol.% of an aromatic liquid hydrocarbon, such as toluene (see page 4, lines 7-17, 27-35; page 5, lines 1-6, 10-13, 21-24; Example 1).

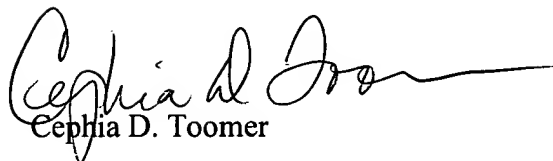
Accordingly, WO teaching all the material limitations of claims anticipates the claims.

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Any inquiry concerning this communication should be directed to Cephia Toomer at  
telephone number (703) 308-2509.



Cephia D. Toomer

Patent Examiner-1714

Examiner Toomer/ng

April 22, 2002